

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JAMES K. EATON, SR.)	
)	
v.)	DISTRICT COURT NO. 3-12-1004
)	JUDGE CAMPBELL
FORD MOTION CREDIT CO., LLC,)	
et al.)	
)	
)	
IN RE: JAMES K. EATON, SR.,)	BANKRUPTCY COURT NO. 3-10-9709
DEBTOR)	

MEMORANDUM

Pending before the Court are Appellee Ford Motor Credit Company's Motion to Dismiss Appeal (Docket No. 3), in which the Trustee has joined (Docket No. 5), and Appellant's Motion for Extension of Time to File Brief (Docket No. 9).


Appellee asks the Court to dismiss this appeal as untimely filed. The Rules of Bankruptcy Procedure provide that a notice of appeal must be filed with the clerk within 14 days of the date of the entry of the judgment, order or decree appealed from. Fed. R. Bankr. Proc. 8002(a). The Bankruptcy Court docket in this case shows that the Order appealed from (Docket No. 200 in that court) was entered on August 9, 2012. *See* Docket No. 1-1, p. 25. Appellant filed his Notice of Appeal on August 24, 2012, more than 14 days after entry of the Bankruptcy Court Order.

Although the bankruptcy judge may extend the time for filing a notice of appeal under certain circumstances, Fed. R. Bankr. Proc. 8002(c)(1), the bankruptcy judge may not extend the time for filing a notice of appeal if the judgment, order or decree appealed from authorizes the sale or lease of property under 11 U.S.C. § 363. Fed. R. Bankr. Proc. 8002(c)(1)(B). The Order from

which Mr. Eaton appeals herein is an Order to Sell Property pursuant to the provisions of 11 U.S.C. § 363. Moreover, Appellant did not file a timely written motion to extend the time. Fed. R. Bankr. Proc. 8002(c)(2).

Accordingly, Appellee's Motion to Dismiss (Docket No. 3) is GRANTED, and this appeal is DISMISSED. Appellant's Motion for Extension of Time (Docket No. 9) is DENIED as moot.

IT IS SO ORDERED.



TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE